

MIDDLE PECOS GROUNDWATER CONSERVATION DISTRICT

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405 North Spring Drive Fort Stockton, Texas 79735

Email: mpgcd@mpgcd.org

Website: www.middlepecosgcd.org

Directors

Jerry McGuairt, President Janet Groth, Vice President M. R. Gonzalez, Secretary/Treasurer

Alvaro Mandujano, Jr. Vanessa Cardwell Ronald Cooper

Weldon Blackwelder Allan Childs Jeff Sims Puja Boinpally Larry Drgac

Employees

Ty Edwards, General Manager

Office: Gail Reeves & Melissa Mills Field Technician: Anthony Bodnar

MINUTES OF REGULAR BOARD MEETING TO BE HELD BY VIDEOCONFERENCE AND TELECONFERENCE

November 17, 2020

In accordance with Governor Abbott's declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act, a quorum of the District's Board of Directors held its regular Board meeting by videoconference and call-in. The public was invited to join this meeting by way of videoconference and toll-free call-in. Members of the public wishing to make public comment during the meeting were able to register by emailing mpgcd@mpgcd.org prior to 9:30 a.m. on November 17, 2020. A copy of the agenda packet was made available on the District's website at the time of the meeting.

On this the 17th of November 2020, a Regular Board Meeting was held by the Middle Pecos Groundwater Conservation District with the following members present:

| | |
|-----------------------|----------------------------|
| Jerry McGuairt | President, Precinct 1 |
| Janet Groth | Vice President, Precinct 1 |
| Puja Boinpally | Precinct 2 |
| M. R. Gonzalez | Prec. 2, Sec./Treasurer |
| Weldon Blackwelder | Precinct 3 |
| Alvaro Mandujano, Jr. | Precinct 4 |
| Jeff Sims | City of Iraan |
| Allan Childs | At Large |

Quorum Present.

Members Absent: Larry Drgac, Ronnie Cooper, and Vanessa Cardwell.

District employees and consultants participating: Ty Edwards, Mike Gershon, Gail Reeves, Melissa Mills, and Allan Standen.

Others attending via Videoconference: Geoff Pike, Glenn Honaker, Ryan Reed, Buck Benson, Ed McCarthy, Eddie McCarthy, Brock Thompson, and Zachary Swick.

REGULAR BOARD MEETING

I Call to order regular Board meeting and roll call at 10:00 a.m. by President Jerry McGuairt.

II **Issue Certificates of Election to Board Members.**

For the Record: President McGuairt stated that on August 21, 2020, the 11-03-2020 Election was cancelled due to all candidates being unopposed. The following candidates have been certified as unopposed and are hereby elected and presented with *Certificates of Election* as follows:

Janet Groth, Precinct 1
M. R. Gonzalez, Precinct 2
Larry Drgac, Precinct 3 (Note that Larry Drgac was not present.)
Alvaro Mandujano, Jr., Precinct 4
Allan Childs, At-Large

III **Administer the Statement of Elected Officer.**

The following Board Members were administered the Statement of Elected Officer by President Jerry McGuairt:

Janet Groth, Precinct 1
M. R. Gonzalez, Precinct 2
Alvaro Mandujano, Jr., Precinct 4
Allan Childs, At-Large

(Note that Larry Drgac was not present and will come by the office soon.)

IV **Administer Oath of Office for Board Members.**

The following Board Members were administered the *Oath of Office* by President Jerry McGuairt:

Janet Groth, Precinct 1
M. R. Gonzalez, Precinct 2
Alvaro Mandujano, Jr., Precinct 4
Allan Childs, At-Large

(Note that Larry Drgac was not present and will come by the office soon.)

V **Consider and/or act upon MPGCD Board Reorganization (Election of Officers).**

Alvaro Mandujano, Jr. made a motion to re-elect all officers to their positions.
Motion seconded by Jeff Sims.
Motion passed. Vote: 8 FOR. -0- Oppose 3 Absent

THEREFORE, BE IT RESOLVED that the following **officers** are **re-elected** as follows: Jerry McGuairt as, President; Janet Groth as Vice President; and M. R. Gonzalez as Secretary/Treasurer.

VI Comments from **public and media**: No comments.

VII Consider and/or act to approve **Minutes of Regular Meeting on October 20, 2020**.

Allan Childs made a motion to approve the Minutes for the meeting of October 20, 2020 as presented. Motion seconded by Janet Groth.

Motion passed. Vote: 7 FOR. -0- Oppose 3 Absent 1 Abstain/Mandujano.

VIII Consider and/or act upon **Treasurer's Report for the Month Ending October 31, 2020**.

Agenda item tabled.

IX Report on **October 21, 2020, Groundwater Management Area 3 Meeting**.

On October 21, 2020, the Proposed Desired Future Conditions (DFCs) for GMA 3 were adopted. There were no changes from the previous DFCs. A new model is being completed that will change the DFCs in the future.

On October 28, 2020, a 90-Day comment period began to receive comments on the proposed Desired Future Conditions for aquifers located in the District that include the Capitan Reef Aquifer, Dockum Aquifer, Edwards-Trinity (Plateau) and Pecos Valley Alluvium Aquifer, and the Rustler Aquifer. The public comment period ends on January 25, 2021. The Middle Pecos GCD will hold a Public Hearing to take oral and written comments on these proposed Desired Future Conditions on January 19, 2021. **The proposed DFC's are attached to these minutes as Attachment A.**

X Update on **FSH-MPGCD Joint Study and Implementation**.

Fort Stockton Holdings, L.P. has submitted the \$250,000 funds for equipment to install transducers on the threshold monitoring wells. MPGCD has budgeted \$125,000 for the first phase of the study. Eco Kai has been helping with the installation of the transducer and equipment. The transducers will measure pressure, water quality and temperature.

Comanche Springs: A transducer was installed in the canal at the gauging station inside the pool area to measure actual flow rates on a real time basis. The District and Eco Kai plan on spelunking into Comanche Springs cave the first week of December to change the current equipment out in the cave to a transducer that can read pressure and water quality. This winter we will be able to have actual flow rate data and water quality data. This information can then be tied back to the 11 threshold wells.

XI Update on MPGCD Groundwater Flow Model.

Allan Standen, who is working with Dr. Bill Hutchison, is gathering pump test information for Dr. Hutchison's model to have the specific capacity for as many wells as he can find. He is also gathering information on Springs in the County. The information will also include the production intervals and the aquifer. There should be between 150 to 200 wells with specific capacity which is more than anyone else in the State. The target date for delivery to Dr. Hutchison is by the end of this month (November). Additionally, the older reports have Spring flows that can be used for base-levels in the model.

General Manager Ty Edwards added that there will be a tech memo for each section of the model that will be released for public review which is targeted to be available by the 1st of the year. Also, Nature Conservancy received funding to update the Diamond Y Springs area model. This work will start over the next month or two.

XII Briefing and take action as necessary on Cockrell Investment Partners, L.P. v. Middle Pecos Groundwater Conservation District and its Board President in his official capacity, Fort Stockton Holdings, L.P. and Republic Water Company of Texas, L.P., Cause No. P-12176-112-CV (Pecos County District Court) and/or Cockrell Investment Partners, L.P. v. Middle Pecos Groundwater Conservation District and its General Manager in his official capacity, Fort Stockton Holdings, L.P., and the Cities of Abilene, Midland and San Angelo, Cause No. P-8277-83-CV (Pecos County District Court).

Mike Gershon, MPGCD attorney, gave the update.

Cockrell Investment Partners, L.P. v. Middle Pecos Groundwater Conservation District and its Board President in his official capacity, Fort Stockton Holdings, L.P. and Republic Water Company of Texas, L.P., Cause No. P-12176-112-CV: On 10-09-2020 Cockrell added Jerry McGuairt to the lawsuit in his official capacity as the President of the Board. Also added was Republic Water Company of Texas, LLC. Mr. McGuairt has accepted service of citation, and as of 11-16-2020 has timely filed his plea to the jurisdiction. Republic Water Co has not been served. Republic Water Co is essentially defunct, although their articles of dissolution have yet to be filed. Cockrell is in the process of locating the registered agent for Republic Water Company. The hearing before Judge Ables has been rescheduled for December 17, 2020, at 9 a.m.

Cockrell Investment Partners, L.P. v. Middle Pecos Groundwater Conservation District and its General Manager in his official capacity, Fort Stockton Holdings, L.P., and the Cities of Abilene, Midland and San Angelo, Cause No. P-8277-83-CV: Since the last Board Meeting, the General Manager and the District have filed our pleas to the jurisdiction. Fort Stockton Holdings has filed a plea to the jurisdiction. The three cities in the case (Abilene, Midland, and San Angelo) have a hearing set before Judge Cadena on December 1, 2020.

Fort Stockton Holdings and MPGCD may seek to join the hearing and urge our pleas.

Ryan Reed, attorney for Cockrell Investment Partners, L.P., did not have any comment.

Ed McCarthy, attorney for Fort Stockton Holdings, L.P., did not have any comment.

No action taken.

XIII Consider and/or act upon 2021 Meeting and Holiday Schedule.

Alvaro Mandujano Jr. made a motion to approve the 2021 Meeting and Holiday schedule that was presented with one change. On December 22, 2021, the office will remain open until noon instead of being closed all day. Motion seconded by Janet Groth. Motion carried. Vote: 7 FOR. 1 Oppose 3 Absent.

XIV Progress Reports: Well Registrations, Production Permits, Drilling Permits, Data Loggers, Drought Monitor Map, Water Quality Analysis and General Manager's Correspondence.

- New Exempt Wells: 1) Fernando Ramos Investments, Inc. located 1 mile west of Hwy. 18 on N. Alexander Lane in Fort Stockton. 2) Trent Huckaby located on the Huckaby Ranch 12 miles east of Hwy. 285 on Gray Ranch Road in Fort Stockton. 3) **Well Plugged:** University Lands located 15 miles North of Bakersfield, and 1 ¼ mile Southeast of FM 11 Fort Stockton.
- Drought Map was provided in the Board Packet. Pecos County is in Severe drought for the majority of central Pecos County. Part of the County is in Extreme drought, and a small portion in Moderate drought as of 11-10-2020.
- Well Registrations: Total Well Registrations are 3,295 as of 11-13-2020. Exempt 2,334 Non-Exempt 961.
- RigData: Pecos County has 1 rig 12.2 miles South of Coyoanosa. Diamondback E&P, LLC.
- 2020 General Election results as of 7:45 a.m. on November 4th. Regarding races of interest to Middle Pecos GCD at the Texas Legislature, Democrat State Representative Roland Gutierrez beat Republican Pete Flores (156,741

votes or 49.86%) to Flores's 145,395 (46.57%) for the State Senate District 19 seat.

Democrat Eddie Morales won the State Representative District 74 position formerly held by Poncho Nevarez. Eddie Morales received 25,832 votes (54.1%) to the 21,918 votes (45.9%) received by Republican Ruben Falcon.

- Coronavirus: Governor Greg Abbott issued a proclamation renewing the declaration stating that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in Texas on 11-06-2020. **See Attachment B.**
- Water Samples: 1) Fort Stockton Holdings well S-23 had a Total Dissolved Salts (TDS) of 4,676 parts per million (ppm). 2) C181: This is another free flowing well directly East of Boehmer Lake, it was not flowing in 2019, so the well has broken down over the last year. The TDS for this well is 34,049 ppm and is basically sea water. 3) Pena well on 43rd Lane in Fort Stockton has TDS of 2,910 ppm. 4) Pecos River at Hwy. 18 has a TDS level of 17,194 ppm. 5) Pecos River at Hwy. 1053 has a TDS level of 12,214 ppm. 6) The City Landfill well has a TDS of 2,574 ppm.


(Note: Domestic water: EPA secondary drinking water standard of 500 ppm. Irrigation water: 0-300ppm Suitable for all crops. 301-600 ppm Suitable for all except extremely sensitive crops. 601-1,000 ppm Suitable for moderately tolerant crops and for moderately sensitive crops if special precautions are taken. 1,001-1,500 ppm Suitable for moderately tolerant and highly tolerant crops. >1,500 ppm Suitable only for highly tolerant crops and then only with special precautions. Livestock water: Levels above 3,000 ppm should be avoided for lactating animals; levels above 7,000 ppm may pose significant risks for many animals. Information source: Texas AgriLife Extension Description of Water Analysis Parameters SCS-2002-10. Sea water ranges from 30,000 to 40,000 ppm.)

- XV **Directors' Comments** and consider and/or act upon agenda for next meeting. Mrs. Groth asked for Ty Edwards to email the directors the link for 2021 Cybersecurity Awareness Training.

Edwards: Once the glitch in Quickbooks is ironed out, the financials will resume. Also Dr. Bill Hutchison will be coming to the January 19, 2021, Board Meeting regarding the Public Hearing for GMA 3 Desired Future Conditions.

- XVI **Adjourn Board meeting.** Janet Groth made a motion to adjourn the meeting. Motion seconded by Allan Childs. Motion carried unanimously. The meeting adjourned at 11:02 a.m.


M. R. Gonzalez, Secretary/Treasurer


Jerry McGuain, President

Date Approved 01-19-2021

**Groundwater Management Area 3
 Proposed Desired Future Conditions and Expected Modeled Available Groundwater**

| Aquifer | County | Proposed Desired Future Condition - Drawdown (ft) | Time Period for Drawdown | Expected Modeled Available Groundwater, 2020 - 2070 (AF/yr) | Technical Basis |
|--|---------------|--|---------------------------------|--|---|
| Capitan Reef Complex | Pecos | 4 | 2006 to 2070 | 4 | Scenario 4, GMA 3 Tech Memo 16-06 |
| | Ward | 2 | | 103 | |
| | Winkler | 2 | | 274 | |
| Dockum | Crane | 0 | 2012 to 2070 | 94 | Scenario 17, GMA 3 Tech Memo 16-05 |
| | Loving | 5 | | 453 | |
| | Pecos | 52 | | 6,142 | |
| | Reeves | 20 | | 2,539 | |
| | Ward | 30 | | 2,150 | |
| | Winkler | 22 | | 6,000 | |
| | Crane | 58 | | 4,991 | |
| Edwards-Trinity (Plateau and Pecos Valley) | Loving | 5 | 2010 to 2070 | 2,982 | Scenario 11 Extended to 2010, GMA 3 Tech Memo 16-01 |
| | Pecos | 14 | | 122,899 | |
| | Reeves | 8 | | 189,744 | |
| | Ward | 63 | | 49,976 | |
| | Winkler | 161 | | 49,949 | |
| | Loving | 28 | | 200 | |
| | Pecos | 69 | | 3 | |
| Rustler | Reeves | 40 | 2009 to 2070 | 2,387 | Scenario 4, GMA 3 Tech Memo 16-02 |
| | Ward | 30 | | 0 | |
| | Winkler | 31 | | 0 | |



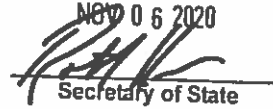
GOVERNOR GREG ABBOTT

November 6, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

8:00 AM O'CLOCK

NOV 06 2020


Secretary of State

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation renewing the declaration stating that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in Texas.

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

PROCLAMATION
BY THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have issued proclamations renewing the disaster declaration for all Texas counties; and

WHEREAS, the Commissioner of the Texas Department of State Health Services, Dr. John Hellerstedt, has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, a state of disaster continues to exist in all counties due to COVID-19;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the disaster proclamation for all counties in Texas.

Pursuant to Section 418.017, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to cope with this declared disaster, I hereby suspend such statutes and rules for the duration of this declared disaster for that limited purpose.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 6th day of November, 2020.

A handwritten signature in cursive script that reads "Greg Abbott".

GREG ABBOTT
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
8:00 AM O'CLOCK

NOV 06 2020

ATTESTED BY:



RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:00 AM O'CLOCK
NOV 06 2020